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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/091,788 09/08/98 ONO

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PM82/1030

EXAMINER

SHARMA, R

ART UNIT

PAPER NUMBER

3651

DATE MAILED:

10/30/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
09/091,788

Applicant(s)
Kenji Ono

Examiner
Rashmi Sharma

Art Unit
3651



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on Dec 22, 2000

2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 35 C.D. 11; 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) 2, 3, and 5-14 is/are pending in the applica

4a) Of the above, claim(s) _____ is/are withdrawn from considera

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) 2, 3, and 5-14 is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claims _____ are subject to restriction and/or election requirem

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

13) ☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

a) ☒ All b) ☐ Some* c) ☐ None of:

1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

*See the attached detailed Office action for a list of the certified copies not received.

14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- 15) ☐ Notice of References Cited (PTO-892)
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). 29
- 18) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other: _____

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DETAILED ACTION

Prosecution has been re-opened due to newly found art. Rejection is as follows.

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 6 has been rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 6 recites, "....and for a backward run in steerable of the front wheel." It appears that this claim fails to clearly describe exactly what is deemed "steerable". Correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 14, 2, 3, 5, 6, 8, 10-12 are rejected under 35 U.S.C. 102(b) as being unpatentable by Brandenfels (U.S. patent number 4,750,578).

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Brandenfels discloses a dismantlable and collapsible utility cart comprising a driving portion selectively driving the vehicle forward or backward, a rotatable seat (16) being swivelable 360 degrees or removable, a steering portion (110) comprising at least one steerable wheel (92) and a reversible steering handle (156) being rotatable from one side of a hinge point to an opposite side of the hinge point (see figure 4), whereby the vehicle can be operated forward or backward by an operator riding thereon and the vehicle can be run backward with an operator not riding on the vehicle, a truck portion (20) having a removable front wheel portion (see figure 1) at a front end portion of the truck portion (20), handle stems (156) at an upper end of the front wheel portion, stems adapted to be turned to rise and fall longitudinally, a handle bar (see figure 2) fixed to the handle stems (156) at a right angle with respect to the handle stems (156), whereby the bar handle arranged for the forward run on a back side of the steerable wheel and for the forward run is arranged on the front side of the front wheel (see figure 4). Brandenfels also discloses a vehicle being self-propelled at a speed equal to human walking speed, the driving portion comprising an electric motor (136) having a small capacity and two rear wheels (26) at a rear end portion.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are

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such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 7, 9 and 1³~~7~~ is rejected under 35 U.S.C. 103(a) as being unpatentable over Brandenfels (U.S. patent number 4,750,578).

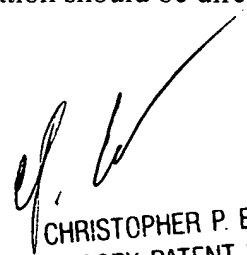
Brandenfels does not disclose a arm rests for the seat, a supporting bar made removable for supporting the operator when in a standing position from behind or a steering wheel.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the vehicle of Brandenfels with seat arm rests, a support bar and a steering wheel since it is well within the purview of one having ordinary skill in the art to provide a means for stabilizing an operator when in the standing position. It is also well within the scope of one having ordinary skill in the art to use a steering wheel instead of a steering handle bar system, as they are both functionally equivalent to one another.

Conclusion

7. Any inquiry concerning this application should be directed to Rashmi Sharma who can be reached at 703-306-5952 between the hours of 8:30 a.m. 5:00 p.m. Monday through Friday.

Any general inquiry relating to the status of this application should be directed to the Group receptionist who can be reached at 703-308-1113.


CHRISTOPHER P. ELLIS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600